

# **ALABAMA BOARD OF NURSING**

## **REGULAR BOARD MEETING**

Fiscal Year 2012-2013

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

August 22, 2013

### **I. CALL TO ORDER**

#### **A. Roll Call**

The meeting was called to order at 9:00 a.m. on August 22, 2013. The following Board members were present: Martha G. Lavender, RN, DSN, President; Melissa Bullard, LPN, Secretary; Eugene Akers, PhD; Pamela Autrey, PhD., MSN, RN; Catherine Dearman, RN, PhD; Miriam Ellerbe, LPN; Gregory Howard, LPN; Francine Parker, EdD, MSN, RN; Amy Price, MSN, RN; Lynda F. LaRue, RN, ADN, CMTE; and E. Laura Wright, MNA, CRNA, PhD. Genell Lee, RN, MSN, JD, Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Peggy Benson, MSN, RN, Legal Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; Charlene Cotton, MSN, RN, Advanced Practice; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Joyce Jeter, MSN, RN, CE/Practice Nurse Consultant; Ladonna Patton, RN, MSN, Legal Nurse Consultant; Cathy Russell, MSN, RN, PhD, Nursing Education Consultant; Robert Rollins, IT Systems Associate; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, General Counsel.

#### **B. Declaration of Quorum**

A quorum was declared with eleven Board members present. Carol Stewart, CRNP, MSN, Vice-President; and Maggie Lee Hopkins, LPN, were not present.

#### **C. Statement of Compliance with Open Meetings Act**

Prior notice of this meeting was posted on the Secretary of State's web site in accordance with the Alabama Open Meetings Act.

D. Review of Agenda

1. Additions, Modifications, Reordering

IV.B. Discussion of Pre-nursing Courses

XI.A. Discussion with Senator Orr

XI.B. Travel

2. Adoption of Agenda

**On August 22, Dr. Parker moved that the Board approve the Agenda, as amended. Ms. LaRue seconded. Motion carried without objection.**

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the roster includes sixty-two applications for collaborative practice that meet the criteria for fast track approval without Joint Committee review. The Board of Medical Examiners (BME) met on August 21, 2013.

Applications for remote site practice, additional skills and/or special formulary will be presented to the Joint Committee at the September 17, 2013 meeting.

Ms. Cotton provided copies of the roster of applications for the Board's review and approval.

**On August 22, Mr. Howard moved that the Board approve the applicants for collaborative practice as listed in the roster. Ms. LaRue seconded. Motion carried without objection.**

III. EXECUTIVE COMMITTEE

A. AL-HAC Report

Dr. Lavender reported on the AL-HAC meeting. The Summit is scheduled for September 18 at Blue Cross Blue Shield in Birmingham by invitation only.

B. Employment of Outside Counsel, Bill Garrett, Assistant Attorney General

Ms. Lee reported that the Board had outside counsel from an unknown start date until Randy Reaves, Attorney, resigned about three years ago due to health reasons. The last three years that Mr. Reaves served as the Board's legal counsel, the only task he assigned was to monitor legislation for the Board. The amount of money he was paid and the tasks he participated in were consistently dwindling. Besides monitoring legislation, he also participated in Board member orientation.

The Board has a General Counsel and an Assistant General Counsel. Both of them can provide legal opinions to the Board for Board-related questions.

Finding a lawyer who is knowledgeable of Administrative Law could be problematic. The roles of Board members are different in administrative circumstances than on private boards.

Ms. Lee reported that she asked Bill Garrett, Division Chief, Civil and Administrative Law, Alabama Attorney General's office to attend and discuss outside counsel.

Mr. Garrett discussed options for hiring outside counsel, reviewed the roles of a Deputy Attorney General and an Assistant Attorney General, and answered questions from the Board.

Ms. LaRue was not present from 2:03 to 2:06 p.m.

C. Summary of Meeting with Dr. George (Buddy) Smith, Jr., BME President

Dr. Lavender reported that she and Ms. Bullard met with Dr. Smith, BME President, on July 2, 2013 to try to create a more collegial and collaborative relationship between the ABN and BME. Dr. Smith indicated that he had already spoken with his Executive Director and asked that the BME staff reset the tone of the working relationship with the ABN. Dr. Smith provided his assurances that the BME would not be involved in any way, with attempts to sunset the Board of Nursing.

A copy of a letter from Dr. Larry Dixon, BME Executive Director, was provided for the Board's information and review.

The Board suggested that Dr. Lavender and Ms. Lee send a letter to BME in thanking them for trying to cooperate and collaborate with ABN.

#### IV. EDUCATION

##### A. ITT-Technical Institute – Bessemer: Ms. Lynelle Rogers, MSN, RN

Dr. Lavender reported that the Board issued a Notice of Deficiency to Breckinridge School of Nursing, ADN Program, ITT Technical Institute-Bessemer in May 2013 for failure to comply with regulations related to having a program administrator for the nursing program. At the July 2013 Board meeting, the Board issued multiple deficiencies based on the June 19, 2013 site visit.

Ms. Lynnell Rogers, Program Director, attended the meeting to address what she has accomplished in correcting the deficiencies since June 19, 2013. Kelli Godwin, Faculty, Latonya Hall, Clinical Coordinator, and Dean Wilson were also present.

Ms. Rogers provided additional information and answered questions from the Board.

##### B. Pre-Nursing Courses

Ms. Lee reported that she has an endorsement applicant who took Anatomy and Physiology (A & P), and Microbiology online with no lab and no classroom. The applicant has since taken Anatomy and Physiology with a lab so that class is not an issue.

The Board advised the Executive Officer that all pre-licensure programs should have A & P and Microbiology. As long as the course has a corresponding lab, the rule requirements are met.

Ms. Lee reported that the education rules are coming up for review, and asked the Board to think about home study versus classroom for pre-nursing courses.

#### V. BOARD DEVELOPMENT

##### A. DISC Reports

Dr. Lavender reported that each Board member was asked to complete the DISC Profile. The Board discussed the results of the DISC Profile.

Dr. Lavender conducted a power point presentation on the DISC Profiling System.

Dr. Dearman was not present from 2:38 to 2:42 p.m.

## VI. EXECUTIVE OFFICER

### A. LPN Renewal

Ms. Lee reported that LPN renewal begins September 1, 2013 and regular renewal goes until November 30, 2013. Late renewal is December 1 – 31, 2013. As of August 21, 2013, only 3,500 LPNs are eligible to renew due to lack of CE or needing proof of citizenship. Ms. Lee reported that brochure will be mailed next week and the proof of citizenship requirement was added to the brochure.

Ms. Lee provided copies of the proposed brochure for the Board's information and review.

The Board reviewed the proposed brochure.

### B. Citizenship Verification Update

Ms. Lee reported that there are over 18,000 LPNs eligible to renew and as of August 2, 2013, only 11,074 had been verified. The focus is on LPNs right now as they have to renew this year. As soon as the LPNs have been verified, staff will begin verifying the RNs. About 39% of LPNs have not submitted proof of citizenship.

### C. Application for Rehearing, Karen Bellknap, 1-025622

The Board reviewed the Application for Rehearing submitted by James Cooper, Ms. Bellknap's attorney.

**On August 22, Dr. Wright moved that the Board deny the request for a re-hearing. Dr. Parker seconded. Motion carried without objection.**

Ms. Price was not present for the discussion or vote.

## VII. STRATEGIC PLANNING

The Board reviewed the draft strategic plan and made changes.

Ms. Lee provided copies of comments from Rex Snyder and Dan Tennimon, Troy University, for the Board's information.

The Board directed Ms. Lee to send the changes to Mr. Snyder and Mr. Tennimon for additional comments.

#### VIII. REPORT OF MEETING ATTENDED

##### A. NCSBN Annual Meeting, August 14-16, 2013 – Providence, RI

Dr. Parker and Ms. Bullard reported on their attendance at the NCSBN Annual Meeting and provided written reports.

Ms. Price was not present for the discussion.

##### B. Board of Directors Report

Dr. Autrey reported on the Board of Directors meeting.

Ms. Price was not present for the discussion.

##### C. International Council of Nurses

Dr. Autrey reported on her attendance at the International Council of Nurses meeting.

Ms. Price was not present for the discussion.

#### IX. REQUEST FOR DECLARATORY RULING

##### A. Kristen M. Osborn, 1-071451

Dr. Autrey recused herself from the discussion and vote concerning Ms. Osborn.

Ms. Lee reported that Ms. Osborn was awarded the Nursing Instructor scholarship in FY 2009. She received a \$2,275 disbursement in May 2009 and a \$1,640.33 in November 2009 for a total of \$3,915.33 since there was proration that year. She was expected to graduate in December 2012 and was sent a letter on December 28, 2012 requesting an official transcript. There was no reply and no transcript was received. She was sent another letter on June 5. On July 8, 2013 she was sent a certified letter stating she must re-pay the scholarship or provide an official transcript by

August 8, 2013 or her case would be forwarded to the Legal Division. On July 8, 2013 Ms. Osborn sent an email with an explanation and a request to set up a payment plan. She was informed that the Board does not accept installment payments for repayment of the scholarship; it must be repaid in full as it says in the Scholarship Agreement. She was informed that she would have to provide the transcript and work as a full time Nursing Instructor at an Alabama College or University for one year after graduation, which she had stated in her explanation that she did not plan to do.

The materials provided by Ms. Osborn detail why UAB will not release her transcript and her reasons for choosing to leave her employment as a Nursing Instructor. The materials also explain why she feels she is not financially able to repay the scholarship in full and is therefore asking for her payment to be made in partial payments over the next two years.

Ms. Lee provided copies of the Petition for Declaratory Ruling and the Promissory Note for the Board's information and review.

The Board reviewed and discussed the information provided.

**On August 22, Mr. Howard moved that the Board grant the petition and allow Ms. Osborn to repay in two installments. Ms. Bullard seconded.**

After discussion, Mr. Howard withdrew his motion.

**On August 22, Dr. Wright moved that the Board grant the petition and allow Ms. Orborn until April 16, 2015 to re-pay the scholarship in full.**

Motion died due to lack of a second.

**On August 22, Dr. Parker moved that the Board allow Ms. Orborn to repay the amount in full by June 15, 2014. Ms. Bullard seconded. Motion carried without objection.**

Ms. Price was not present for the discussion or vote.

- IX. NEXT MEETING DATE: September 19-20, 2013 9:00 a.m., RSA Plaza, Suite 350, 770 Washington Ave, Montgomery

X. OTHER

- A. Ms. Bullard reported that she had a conversation with Senator Orr who informed her that the legislature will be looking at the Board's revenues and will take it any money that the Board does not spend.

Ms. Lee reported that she will try to have a discussion with Senator Orr to explain the variation in the Board's revenues.

Ms. Price was not present for the discussion.

- B. Ms. Bullard asked if the Board could increase travel reimbursement. Ms. Lee reported that per diem is set by the State and cannot be changed by the Board. Ms. Lee reported that the Board could look at increasing Board compensation at the September Board meeting.

Ms. Price was not present for the discussion.

- Dr. Lavender asked the Board if they wanted to view the "Escape Fire" video at the September Board meeting. Ms. Price was not present for the discussion.
- Dr. Lavender reminded the Board to email the Executive Officer Evaluation to her.
- Ms. Lee introduced Cathy Russell, Education Consultant.

XI. BOARD MEETING DEBRIEFING

XII. ADJOURNMENT

The meeting adjourned at 3:50 p.m. on August 22, 2013.

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Martha Lavender, President

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Melissa Bullard, Secretary

Submitted by: \_\_\_\_\_  
Leslie Vinson, Recorder  
8/22/2013